

Notice of Allowability

Application No.

09/890,167

Applicant(s)

PAIVA ET AL.

Examiner

David H Kruse

Art Unit

1638

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 2 December 2004.
2. ☒ The allowed claim(s) is/are 1-4,6-11,13-18,22-26,29,30,39,40,59,60,62,63 and 65-67.
3. ☒ The drawings filed on 27 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date SAME.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert E. Hanson on 16 February 2005.

The application has been amended as follows:

The Title of the Invention has been amended as follows; TRANSGENIC
LEGUME PLANTS MODIFIED TO PRODUCE [CONTAIN] RESVERATROL
GLUCOSIDE AND USES THEREOF

The Abstract has been replaced with the following; -- The invention relates to producing resveratrol glucoside in edible legume plants by transforming with a transgene encoding resveratrol synthase operably linked to a constitutive promoter. The invention relates to products containing and methods of using transformed edible legume plants and edible material of the transformed legume plants as a foodstuff, a nutritional supplement, an animal feed supplement or a nutraceutical. The invention further relates to a method of increasing disease resistance in an edible legume plant by transforming with a transgene encoding resveratrol synthase operably linked to a constitutive promoter. --

In the Claims;

At claims 13 and 14, -- legume -- has been inserted before "plant".

Art Unit: 1638

At claims 30 and 40, the phrase "open reading frame" has been amended to --
transgene --.

Claims 58, 61 and 64 have been cancelled.

At claim 63, the "." after "23" has been deleted and a --. -- has been inserted after
"transgene".

Claim 65 (AMENDED) Progeny from the seed of claim 59 [22.] which comprises
said resveratrol synthase transgene.

Claim 66 (AMENDED) Progeny from the seed of claim 60 [23] which comprises
said resveratrol synthase transgene.

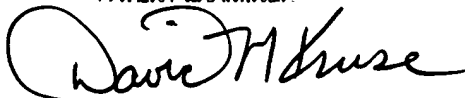
2. The above amendments to the specification and claims were made to correct
matters of form, and were approved by Applicant's attorney Robert E. Hanson.

3. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to David H. Kruse, Ph.D. whose telephone number is (571)
272-0799. The examiner can normally be reached on Monday to Friday from 8:00 a.m.
to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Dr. Amy Nelson can be reached at (571) 272-0804. The fax telephone
number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the Group Receptionist whose telephone number is
(571) 272-0547.

DAVID H. KRUSE, PH.D.
PATENT EXAMINER

A handwritten signature in black ink that reads "David H. Kruse". The signature is written in a cursive, flowing style.

David H. Kruse, Ph.D.
16 February 2005

Art Unit: 1638

4. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.